the rule making powers which vitally change the present custom and which affect vitally the interests of the litigant public, it will go against the constitutional privileges enjoyed by this House. The argument that the High Court should be trusted to do its proper duty is no argument. When we have a right to say what should be and what ought not to be done, there is no reason to delegate this power to the High Court. The deletion of clauses 7 and 8 was insisted by the Select Committee for definite reasons. Therefore I support the motion to refer this to a Select Committee.

Mr. P. Govinda Menon (*Mulakunnathukavu*): I suggest the following names for the Select Committee.—The Advocate-General and Messrs. M. Sivarama Menon, V. K. Krishnankutty, C. R. Iyyunni and myself.

The motion to refer the Bill to the Select Committee, was put and carried.

Mr. Deputy President: The Advocate-General will be the Chairman of the Committee. The Committee has to report within three months.

RESOLUTIONS.

1. Appointments to the State Aided Schools.

Mr. V. N. Damodaran Nambiar (*Trippunittura*): The resolution that stands in my name reads thus: "*This Council recommends to the Government that all future appointments to the State-aided Schools be brought under the purview of the Staff Selection Board.*"

In moving this resolution before this Hon'ble House I wish to make one point clear at the very outset. I am not one of those who believe in the principle of communal rotation either in the matter of representation in the public service or otherwise. But if I plead by means of this resolution for an extension of that principle to a section, and that a very important section, of the public service it is because I am convinced that the intention of the Government in appointing the Staff Selection Board and fixing a particular proportion for the several communities in the State, is being frustrated by excluding this important section of the service from the purview of the Staff Selection Board. It is not because I am convinced of the soundness of this principle. The soundness or otherwise of this principle does not arise for our consideration now. The principle has already been accepted by the Government and if the opinion of the people are to be gathered from the points of view expressed in this Council by

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both the parties I am inclined to think that the principle has been accepted by a huge majority of the people as well. Therefore, there is no question as to whether this principle has to be accepted or not now. The principle has already been accepted. Certain ratios have already been definitely fixed for the guidance of the Staff Selection Board, and appointments are being made on the lines of these rules. Therefore I urge upon this House to accept this resolution and to fulfil the intention of the Government in making these rules for the benefit of the public and the communities in general.

I will make my point more clear by means of concrete examples. Supposing there are 100 appointments in the public service of the State which have to be distributed amongst the different communities in the State and supposing further that only 50 of those appointments are open to the Staff Selection Board, how can the Government consistently with their position see that the proportion they have fixed is maintained throughout the State? How can the Government see that the different communities who are entitled to particular shares in the public service of the State are getting those appointments according to that proportion? Supposing only 50 of 100 appointments are made by the Staff Selection Board and the other 50 are left to the discretion of the appointing authorities and the authorities make all those 50 appointments from one community alone, will not the other communities be seriously prejudiced by this rule? The only question, therefore, for our consideration now is whether the State-aided institutions form part of the public service of the State. If they form part of the public service of the State, I suppose nobody in this House would deny the absolute necessity of bringing that section also within the purview of the Staff Selection Board. I would say that the aided institutions in the State are as much public institutions or in other words the appointments in the aided institutions are as much public services as any other Government institution or appointment. Out of 15 and odd lakhs of rupees spent for elementary and primary education in the State an amount to the tune of over six lakhs of rupees, that is, well-nigh half, is being spent as grant-in-aid to these educational institutions. Out of the funds required for elementary and primary education we can safely say that half is being contributed by the Government. With regard to the pay of every trained teacher, I understand the managers of the aided institutions are paid 14 annas for every rupee of their pay. With regard to untrained teachers, I understand the contribution will come to about 12 annas. Now from these facts it will be clearly seen

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that these aided institutions are run mostly on public funds. I do not think there will be any Manager of any aided institution in the State who will be able to say honestly, that he is incurring any loss for the purpose of running the institution. I do not deny that there may be stray instances where private philanthropy still contributes for the upkeep of a few of these institutions. For example most of the buildings in which these institutions are housed have been constructed by the managers. Even with regard to this I doubt whether in all cases these buildings are constructed purely out of private funds. I know several institutions where public have contributed by means of subscriptions and donations for the construction of buildings for the purpose of housing them. I would therefore urge upon the Council to accept this principle in view of the fact that most of the funds that are spent for the running of these aided institutions are coming out of public funds and that when once they have accepted the principle of communal rotation in the matter of appointments to the purely Government service it is but natural that this principle should be extended in the case of aided institutions as well.

Another possible difficulty may be pointed out from the other side in the matter of bringing these services within the purview of the Staff Selection Board. It may be argued that the appointing authorities in the case of aided institutions are purely autonomous bodies, that is, the managers have got complete liberty under existing conditions to appoint teachers in these aided institutions. I would answer that difficulty by pointing out that the Municipalities are also completely autonomous bodies. Government have thought it fit and necessary to bring the Municipalities also under the purview of the Staff Selection Board. What objection can there be then for bringing this service also which is a very important section within the purview of the Staff Selection Board?

Lastly, I would bring one more fact to the notice of this House. The Staff Selection Board was not appointed at the instance of the Government or the principle of communal representation was not thrust upon the House by the Government. Considerable agitation was carried on by the hon'ble members of this House, both inside and outside this Council. It was only as a result of this agitation that the Government thought it necessary to enact certain rules for the purpose of satisfying the different communities in the State and the Staff Selection Board was accordingly constituted and certain fixed proportion was assigned to the different communities for their representation in the services. Therefore it is but natural and I would

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say graceful on the part of the public to adopt the same principle which they were agitating for and which they were compelling the Government to adopt in the matter of appointments to institutions in which they have got an authority, that is, institutions which they conduct for the benefit of the public. It is only graceful on their part to accept the same principle. I have not got any apprehensions in my mind with regard to the acceptability of this proposition by this House, because with regard to the Government it is a principle already accepted, as I said before, and with regard to the two important parties in this House, one is wedded to this principle; it is born, brought up and is having its being on this very same principle. With regard to the other party, the party in power, that party has also accepted that principle as a policy. I do not see any reason, therefore, why any member of this House belonging to either of these parties should oppose this resolution. I commend the resolution for the unanimous acceptance of the House.

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മിസിസ്സ് തങ്കമ്മ എൻ. മേനോൻ: സർ, ബഹുമാനപ്പെട്ട തുപ്പൂണിത്തുറ മെമ്പർ, അവർകൾ ഇവിടെ അവതരിപ്പിച്ച പ്രമേയത്തെ ഞാൻ ബലമായി പിന്താങ്ങുന്നു. ഇപ്രകാരമുള്ള ഒരു പ്രമേയത്തെ ബഹുമാനപ്പെട്ട മെമ്പർമാർക്കെല്ലാവർക്കും യാതൊരു പ്രയാസവും കൂടാതെ പിന്താങ്ങാൻ സാധിക്കുമെന്നു തന്നെയാണ് ഞാൻ വിശ്വസിക്കുന്നതു്. അതിലും വിശേഷിച്ചു് സർക്കാർ സ്കൂളുകളിൽ സ്ഥിരം ഒഴിവു വരുമ്പോൾ നൂറിനു അൻപതു ശതമാനം വീതം എയിഡഡ് സ്കൂളുകളിലെ അദ്ധ്യാപകന്മാരെ Communal representation principles പ്രകാരം നിയമിക്കണമെന്നഭിപ്രായമുള്ള ബഹുമാനപ്പെട്ട ചാലക്കുടി മെമ്പർ അവർകൾക്കും, പാവ്വത്യക്കാരന്മാരേയും മേനോന്മാരെയും ശിപായി മുതലായ മറ്റു താഴ്ന്ന ഉദ്യോഗസ്ഥന്മാരേയും നിയമിക്കുന്നതു് കമ്മ്യൂണൽ റൊട്ടേഷൻ പ്രിൻസിപ്പിൾ അനുസരിച്ചു മാത്രമേ പാടുള്ളൂ എന്നഭിപ്രായമുള്ള ബഹുമാനപ്പെട്ട തൃശ്ശിവപേരൂർ സതേൺ മെമ്പർ അവർകൾക്കും, പാവ്വത്യക്കാരന്മാരേയും, മേനോന്മാരെയും ചെക്കുന്നതിനുള്ള അധികാരം ബഹുമാനപ്പെട്ട റവന്യൂ മെമ്പർ അവർകളിൽ നിന്നും എടുത്തു സ്റ്റാഫ് സെലക്ഷൻ ബോർഡിനു കൊടുക്കണമെന്നു അഭിപ്രായപ്പെടുന്ന ബഹുമാനപ്പെട്ട തലപ്പള്ളി താലൂക്കു ഇതര മെമ്പർ അവർകൾക്കും മെമ്പറന്മാർ വക്കീലന്മാരെ നിയമിക്കുന്നതിനുള്ള അധികാരം ബഹുമാനപ്പെട്ട ചീഫ് ഇഞ്ചിനീയർ അവർകളിൽ നിന്നും എടുത്തു സ്റ്റാഫ് സെലക്ഷൻ ബോർഡിനു കൊടുക്കണമെന്നഭിപ്രായമുള്ള ബഹുമാനപ്പെട്ട എറണാകുളം ലാറിൻകുസ്സ്യൻ മെമ്പർ അവർകൾക്കും ഈ പ്രമേയത്തെ പിന്താങ്ങുവാൻ യാതൊരു പ്രയാസവുമുണ്ടാകയില്ലെന്നാണ് ഞാൻ വിശ്വസിക്കുന്നതു്. എയിഡഡ് സ്കൂളിലെ അദ്ധ്യാപകന്മാരെ നിയമിക്കുന്നതിനുള്ള അധികാരം സ്റ്റാഫ് സെലക്ഷൻ ബോർഡിലേക്കു വിട്ടുകൊടുക്കുന്നതായാൽ മാനേജർമാർക്കുള്ള ഭരണ ശക്തി കുറഞ്ഞുപോകയാകുമെന്നു് ബഹുമാനപ്പെട്ട ചില മെമ്പന്മാർ വാദിച്ചേക്കാവുന്നതാണു്. അതു ഏതാണ്ടു് ശരിയാണു്. പക്ഷെ അതിനും രണ്ടു നിവാരണമാർഗ്ഗങ്ങളുണ്ടു്. ഒന്നുകിൽ ബഹുമാനപ്പെട്ട എറണാകുളം മെമ്പർ അവർകളുടെ ഉപക്ഷേപത്തിൽ പറഞ്ഞപ്രകാരം Communal representation principle

നെ അടിസ്ഥാനപ്പെടുത്തി മാത്രമേ Aided School കളിൽ അദ്ധ്യാപകന്മാരെ നിയമിക്കുവാൻ പാടുള്ളൂ എന്നുള്ള ഒരു നിബന്ധനയോടുകൂടി അദ്ധ്യാപകന്മാരെ നിയമിക്കുവാനുള്ള അധികാരം മാനേജർമാർക്കു കൊടുക്കുക. അല്ലാത്ത പക്ഷം ബ്രിട്ടീഷിൻഡ്യയിൽ ഇപ്പോൾ ചില ഡിപ്പാർട്ട്മെൻറുകളിൽ നടപ്പുള്ള മാതിരി സ്റ്റാഫ് സെലക്ഷൻ ബോർഡിൽ നിന്നും കാൻറിഡേറ്റ്സിനെ തിരഞ്ഞെടുക്കുക. അങ്ങിനെ തിരഞ്ഞെടുത്തിട്ടുള്ള ആളുകളിൽ നിന്നു മാനേജർമാർക്കു ഇഷ്ടമുള്ള ആളുകളെ കമ്മ്യൂണൽ റപ്രസൻറേഷൻ Principle അനുസരിച്ചു നിയമിക്കാനുള്ള അധികാരം കൊടുക്കുക. ഇതു രണ്ടിൽ ഏതെങ്കിലുമൊന്നു സ്വീകരിക്കുന്ന പക്ഷം മാനേജർമാരുടെ നിയമനാധികാരങ്ങൾക്കു യാതൊരു കുഴപ്പവും ഉണ്ടാകുകയില്ല. ഇതിനും പുറമെ അദ്ധ്യാപകന്മാരെ ഒരിക്കൽ നിയമിച്ചാൽ തക്കതായ കാരണം കൂടാതെ പിരിച്ചയയ്ക്കുവാൻ പാടില്ലെന്നുള്ള ഒരു നിബന്ധനയും ചെയ്യണം. മാനേജർമാർക്കു കൊടുക്കുന്ന ഈ അധികാരങ്ങളെ ദുരിയോഗിക്കുന്നുണ്ടോ എന്നറിയുവാൻ ബഹുമാനപ്പെട്ട എഡ്യൂക്കേഷൻ മെനിസ്റ്റർ മേൽനോട്ടത്തിനുള്ള അധികാരവും കൊടുക്കേണ്ടതാണു്. ഇത്രയും പറഞ്ഞുകൊണ്ടു ഞാൻ ഈ പ്രമേയത്തെ പിന്താങ്ങുന്നു.

Mr. K. Kochukunhan Kaimal (*Vadakkancheri*): Sir, we would like to know what is the view of the Government in this matter.

Mr. Deputy President: Wait for a little while. Is Mr. Sivarama Menon moving his amendment?

***Mr. M. Sivarama Menon** (*Ernakulam*): Yes. Sir. The amendment that stands in my name is to the effect that "after the word 'be' omit all the words in the resolution and add 'so ordered to be made as to conform strictly to the principle of communal rotation fixed by Government.'" The effect of the amendment will be this: "This Council recommends to the Government that all future appointments to the State-aided Schools be so ordered to be made as to conform strictly to the principle of communal rotation fixed by Government."

My object in tabling this amendment was only to obviate the answer to a possible plea that might be raised—which was more or less met by the hon'ble mover of the resolution—that because the entire expenditure in regard to these educational institutions maintained by philanthropic bodies are not met by the Government, it will practically be affecting the prestige and dignity of the managers if the appointments are to be vested in the Staff Selection Board, which is constitut d entirely by Government officials. Of course I have absolutely no reason to press this amendment if a declarati n is made by the Government that in case this resolution is accepted the Staff Selection Board will not be put to any inconvenience. I wish to make it

*Speech not corrected by the hon'ble member.

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perfectly clear that I have absolutely no idea to do anything which will in any way derogate from the dignity or self-respect of these pioneers of educational institutions in this State. If there are means by which this principle of communal rotation can be given effect to by any practical method that method is left open by this amendment. Upon technical grounds the spirit of this resolution should not be defeated. That was my sole object in moving this amendment. I have not stated therein that the appointments should be made by the Staff Selection Board. I have not stated therein that the appointments should be made by the managers of the aided schools. But one thing is insisted upon and that is that the appointments should in effect be made only on the principle of communal rotation fixed by the Government. What particular agency is employed to achieve this purpose is immaterial. If Government think it possible to constitute a Staff Selection Board among the managers themselves with some sort of supervision by the Government, that position may be adopted. If any other workable method can be evolved in the course of discussions between the Government and the management that also can be adopted. Whatever be the method by which appointments are to be effected, the result should be that it must conform to the principle of communal representation fixed by the Government in the matter of appointments by the Staff Selection Board. I can never for a moment think, as has been said by the hon'ble mover, that this principle is one which requires any argument. Generally in discussing resolutions one difficulty that confronts hon'ble members of this House is that there may be two opinions upon a certain point. There may not be sufficient data to successfully establish one point of view. But this resolution is one for which there is absolute unqualified, unambiguous authority for the position adumbrated in the resolution. It is quite sure that communal injustice is being done now. Members of those communities who are running schools are partisan managers. They always prefer men of their own community in the matter of appointments. I am emboldened to make this assertion because the published statistics regarding these appointments in the Council proceedings of this House make the position abundantly clear. At page 453 of Vol. II, of the proceedings of 1107 it is noticed that there had been certain questions relating to this subject. Question No. 308 gives the total number of teachers employed in aided schools and colleges as 3,350. Question No. 309 gives the castewar table of the appointments, according to which there are 1,421 Christians, 320 Nayars, Other Caste Hindus 76, 6 Ezhuvas, 6 Muslims and so on. A mere perusal of these figures by me

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on the floor of this House may not enable the hon'ble members to have a correct appreciation of the fact that these figures establish that the principle of communal representation has been throughly invaded in regard to these appointments. It will be clear by a study of these statistics that each community has been vying with one another in trying to prefer members of their own communities for appointment. For the purpose of this resolution it is immaterial which community has outwitted the others. It needs no argument, therefore, to say that the principle of communal representation with regard to appointments in aided schools should be upheld by this House. I can absolutely vouch for one thing that at the time that this resolution was tabled before the House I thought it would have a unanimous approval. But as in politics one cannot be sure of anything and I find from my talks with many of my hon'ble friends here that this is not going to sail over calm waters.

Mr. K. R. Viswambharan (*Ezhuvas-Talappalli*): Who told you?

Mr. M. Sivarama Menon (*Ernakulam*): I said "from my talks with many of my hon'ble friends here". I am not advertising the names of any of my friends whose information upon this point emboldens me to make this statement.

One thing is established and that is that there is communal injustice. If there is communal injustice, the next question is, is this House prepared to rectify it by this resolution? If you say 'No', then this House is not for communal representation. If you say 'Yes', you are only fulfilling the principle which you have already laid down. I find in the written constitution of the State Congress Party that this is a principle which certainly they are expected to support with all their might. And from the eloquent speeches of the prominent members of the Cochin Congress Party I am led to believe that they also adopt it as a matter of policy and will only be too glad to support any resolution which will work out communal justice among the various communities. Then there are only a few independents remaining. Of these, I myself do not belong to any party. So that the votes of the mover and myself are for the resolution. And if the members of the parties on the other side will only support this resolution in furtherance of the principles they proclaim—one written and the other unwritten—there is absolutely no necessity for any argument in support of this resolution. Under these circumstances I strongly support the principle of the resolution and at the same time go a step further in order to effectuate the purpose of the resolution by tabling this amendment that whatever the machinery by which these appointments

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are to be made, the principle of communal representation should be observed. If there is any difficulty in the machinery, that should not be a ground for throwing away this resolution.

Suppose the Government view is that the Staff Selection Board is over-worked and they will not be able to attend and shoulder this responsibility. If such an argument is raised and the resolution is to be opposed, I do not wish to give any room for such an argument. The purpose of the amendment is only to the effect that whatever be the means that may be devised, this principle must be strongly adhered to and orders must be so issued to conform to the principle of communal representation in appointment in the aided service. I submit therefore that for the proper appreciation of the spirit of this resolution, I hope the hon'ble members of this House will agree to the amendment I have tabled.

Mrs. Thankamma N. Menon (*Ernakulam-Women*): I second it.

Mr. K. P. Kannan Nayar (*Secretary to Government*): Before any further discussion is carried on I would make a request to the Chair, if possible, to have the discussion continued tomorrow. The Director of Public Instruction is absent and he has to speak on this resolution. Not that I have any objection to speak on this, but the position of the Government was fixed on the resolution as it originally stood without taking into consideration the amendment that is now moved and that position was to oppose the resolution, the main reason being that it will be depriving the managers of the power of appointment vested in them if the resolution is accepted. Government thought that it would be unnecessarily interfering with the power of the managers and not because Government do not feel that the communal justice should as far possible be followed in the appointment of aided school teachers as well. At present there are certain qualifications prescribed for appointments in aided schools as in the case of appointments in Government service. But since the power of appointment is vested in the managers by accepting this resolution it would be going against that. The amendment moved may change the position of the Government and Government had no time to consider this. If the House has no objection the discussion on this resolution can be had tomorrow so that the Government may consider this and see what can be done.

Mr. Deputy President: Nobody seems to have any objection. Further discussion on this will be taken up tomorrow.

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Mr. C. V. Iyyu (*Kunnamkulam*): In the absence of the mover can any other member move the resolution?

Mr. Deputy President: No.

2. Reduction in the number of toddy and arrack shops to prepare the State for prohibition.

Mr. M. K. Devassy (*Adur*): The resolution standing in my name reads thus:—"*This Council recommends to the Government to reduce the number of toddy and arrack shops by twenty-five per cent annually beginning from 1115 with a view to prepare the State for prohibition*". I do not think it is necessary for me to make any lengthy speech on this matter. The resolution is self-explanatory and the question has been discussed several times before and the principle also has been accepted by the Government at one time. Without wishing to speak much on it, I place the resolution for the acceptance of the House.

Mr. A. Eachara Menon (*Chittur-Rural*): I second it.

Mr. C. V. Iyyu (*Kunnamkulam*): I move the following amendment:—"Delete the words 'toddy and' from the resolution. Arrack is generally considered to be harmful and toddy should not be stopped, whatever may be the grounds. It is the poor man's luxury and is very good for the body also. Even if prohibition is introduced, it should not be stopped. So if the mover is prepared to accept the amendment I shall be thankful to him.

Mr. M. K. Devassy (*Adur*): With very great regret I cannot accept it.

The amendment was lost for want of a seconder.

Mr. Shabdai S. Koder (*Jews-Nominated*): Mr. President Sir, I rise to oppose this resolution. I am greatly surprised that an hon'ble member who has always fought within this House and outside it for the civil liberties of the people has now come forward with a proposition to interfere with the liberty of the drinking public of the State. The question of prohibition has been discussed in this House more times than one. Hon'ble members then referred to the progress made in the United States of America and argued that if prohibition could succeed in America, it would be easier for it to succeed here.

Mr. A. Eachara Menon (*Chittur-Rural*): It has come nearer. What about Salem?

Mr. Shabdai S. Koder (*Jews-Nominated*): Now my hon'ble friend Mr. Eachara Menon draws our attention to the experiments carried on in Salem. It is too early to say whether the

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